

JOURNAL OF THE HOUSE

NINETY-FIRST SESSION

TWENTY-EIGHTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 25, 2016

The House convened at 12:30 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Mercy Hobbs, followed by the Pledge of Allegiance led by House page Andrew Flannery.

Roll Call: All members present except Reps. Hawley, Kaiser, Munsterman, Qualm, Rasmussen, Russell, and Schoenbeck who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Dean Wink, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 3 and 80 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 71 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,
Lee Qualm, Chair

Also MR. SPEAKER:

The Joint Committee on Appropriations respectfully reports that it has had under consideration HB 1045 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Joint Committee on Appropriations respectfully reports that it has had under consideration HB 1042 and returns the same with the recommendation that said bill be amended as follows:

1042fb

On page 1, line 5, of the printed bill, delete "one dollar (\$1)" and insert "two million two hundred twenty thousand dollars (\$2,220,000)".

On page 2, line 3, after "fund." insert "Unexpended money and any interest that may be credited to the fund shall remain in the fund.".

And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Joint Committee on Appropriations respectfully reports that it has had under
3 consideration HB 1159 which were tabled.

4 Respectfully submitted,
5 Justin R. Cronin, Co-Chair

6 **MESSAGES FROM THE SENATE**

7 MR. SPEAKER:

8 I have the honor to transmit herewith SB 9, 50, 100, 124, 125, 126, 127, 150, 159, 162,
9 168, and 169 which have passed the Senate and your favorable consideration is respectfully
10 requested.

11 Respectfully,
12 Kay Johnson, Secretary

13 **MOTIONS AND RESOLUTIONS**

14 HCR 1015: A CONCURRENT RESOLUTION, Commending Taiwan's presidential
15 election; supporting Taiwan's efforts to secure entry to the Trans-Pacific Partnership (TPP) and
16 the signing of the Free Trade Agreement (FTA) and the Bilateral Investment Agreement (BIA)
17 with the United States; and reaffirming support for increasing Taiwan's international profile and
18 for strengthening and expanding sister-state ties between South Dakota and Taiwan.

19 Rep. Hunt moved that HCR 1015 as found on page 660 of the House Journal be adopted.

20 The question being on Rep. Hunt's motion that HCR 1015 be adopted.

21 And the roll being called:

22 Yeas 59, Nays 4, Excused 7, Absent 0

23 Yeas:

24 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Conzet; Craig; Cronin; Deutsch; DiSanto;
25 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Harrison;
26 Haugaard; Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
27 Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Novstrup (Al); Otten (Herman);
28 Partridge; Peterson (Kent); Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp;
29 Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik;
30 Willadsen; Wollmann; Zikmund; Speaker Wink

1 Nays:
2 Campbell; Killer; Marty; May

3 Excused:
4 Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell; Schoenbeck

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the motion carried and HCR 1015 was adopted.

7 HCR 1016: A CONCURRENT RESOLUTION, Expressing and encouraging support for
8 the continued use of country-of-origin labels on meat products sold to consumers.

9 Rep. Gosch moved that HCR 1016 be deferred to Monday, February 29, the 29th legislative
10 day.

11 Which motion prevailed.

12 HCR 1017: A CONCURRENT RESOLUTION, Commending the nation of Israel for its
13 cordial and mutually beneficial relationship with the United States and with the State of South
14 Dakota.

15 Rep. Deutsch moved that HCR 1017 as found on page 662 of the House Journal be
16 adopted.

17 The question being on Rep. Deutsch's motion that HCR 1017 be adopted.

18 And the roll being called:

19 Yeas 60, Nays 3, Excused 7, Absent 0

20 Yeas:
21 Anderson; Bartling; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;
22 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggart (Don); Harrison;
23 Haugaard; Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
24 Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Novstrup (Al);
25 Otten (Herman); Partridge; Peterson (Kent); Ring; Romkema; Rounds; Rozum; Schaefer;
26 Schoenfish; Schrempp; Sly; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner;
27 Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

28 Nays:
29 Bordeaux; Killer; Soli

30 Excused:
31 Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell; Schoenbeck

1 So the motion having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the motion carried and HCR 1017 was adopted.

3 **CONSIDERATION OF REPORTS OF COMMITTEES**

4 Rep. Gosch moved that the reports of the Standing Committees on
5 State Affairs on SB 45 as found on page 656 of the House Journal; also
6 Education on SB 5 as found on page 656 of the House Journal; also
7 Judiciary on SB 54 as found on page 657 of the House Journal be adopted.
8 Which motion prevailed.

9 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

10 SB 9: FOR AN ACT ENTITLED, An Act to make an appropriation to fund the Native
11 American achievement schools grant program and paraprofessional tuition assistance
12 scholarship program.

13 Was read the first time and the Speaker waived the referral to the standing committee
14 pursuant to Joint Rule 6D-1.

15 SB 50: FOR AN ACT ENTITLED, An Act to revise the allocation of certain fees collected
16 by the Department of Corrections.

17 Was read the first time and the Speaker waived the referral to the standing committee
18 pursuant to Joint Rule 6D-1.

19 SB 100: FOR AN ACT ENTITLED, An Act to enhance South Dakota economic
20 development through broadband infrastructure improvements.

21 Was read the first time and referred to the Committee on State Affairs.

22 SB 124: FOR AN ACT ENTITLED, An Act to enhance South Dakota.

23 Was read the first time and referred to the Committee on State Affairs.

1 SB 125: FOR AN ACT ENTITLED, An Act to accommodate legislation relating to
2 education in South Dakota.

3 Was read the first time and referred to the Committee on State Affairs.

4 SB 126: FOR AN ACT ENTITLED, An Act to accommodate legislation on medical
5 services.

6 Was read the first time and referred to the Committee on State Affairs.

7 SB 127: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
8 requirements for placement of a utility facility across a railroad right-of-way.

9 Was read the first time and referred to the Committee on State Affairs.

10 SB 150: FOR AN ACT ENTITLED, An Act to revise provisions related to the legislative
11 intern program.

12 Was read the first time and the Speaker waived the referral to the standing committee
13 pursuant to Joint Rule 6D-1.

14 SB 159: FOR AN ACT ENTITLED, An Act to provide a tax credit to insurance companies
15 that contribute to an organization providing educational scholarships to certain students.

16 Was read the first time and referred to the House Committee on Appropriations

17 SB 162: FOR AN ACT ENTITLED, An Act to create the State Board of Internal Control
18 and to declare an emergency.

19 Was read the first time and referred to the Committee on State Affairs.

20 SB 168: FOR AN ACT ENTITLED, An Act to revise provisions related to human
21 trafficking and to provide a penalty therefor.

22 Was read the first time and referred to the Committee on Judiciary.

23 SB 169: FOR AN ACT ENTITLED, An Act to revise provisions related to child
24 pornography and to revise the penalty therefor.

25 Was read the first time and referred to the Committee on Judiciary.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 SB 33: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding chemical
3 testing and revocations of driver licenses for persons under the age of twenty-one.

4 Was read the second time.

5 The question being "Shall SB 33 pass?"

6 And the roll being called:

7 Yeas 61, Nays 0, Excused 9, Absent 0

8 Yeas:

9 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
10 Deutsch; DiSanto; Dryden; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
11 Harrison; Haugaard; Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen
12 (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
13 Mickelson; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Ring; Romkema;
14 Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Soli; Solum; Stalzer; Steinhauer; Stevens;
15 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

16 Excused:

17 Duvall; Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell; Schoenbeck; Sly

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the bill passed and the title was agreed to.

20 SB 39: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning fees for
21 sponsored captive insurance companies.

22 Was read the second time.

23 The question being "Shall SB 39 pass?"

24 And the roll being called:

25 Yeas 61, Nays 0, Excused 9, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
3 Deutsch; DiSanto; Dryden; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
4 Harrison; Haugaard; Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen
5 (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
6 Mickelson; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Ring; Romkema;
7 Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Soli; Solum; Stalzer; Steinhauer; Stevens;
8 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

9 Excused:

10 Duvall; Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell; Schoenbeck; Sly

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill passed and the title was agreed to.

13 SB 57: FOR AN ACT ENTITLED, An Act to redefine the term, written agreement,
14 relating to contracts between a debtor and creditor.

15 Was read the second time.

16 The question being "Shall SB 57 pass?"

17 And the roll being called:

18 Yeas 61, Nays 0, Excused 9, Absent 0

19 Yeas:

20 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;
21 Deutsch; DiSanto; Dryden; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);
22 Harrison; Haugaard; Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen
23 (Alex); Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey;
24 Mickelson; Novstrup (Al); Otten (Herman); Partridge; Peterson (Kent); Ring; Romkema;
25 Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Soli; Solum; Stalzer; Steinhauer; Stevens;
26 Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

27 Excused:

28 Duvall; Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell; Schoenbeck; Sly

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the bill passed and the title was agreed to.

1 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 17: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
3 suppression of wildfires in the state and to declare an emergency.

4 Was read the second time.

5 Rep. Gosch moved that SB 17 be deferred to Monday, February 29, the 29th legislative day.

6 Which motion prevailed.

7 SB 52: FOR AN ACT ENTITLED, An Act to establish procedures for reporting federal
8 tax changes for purposes of the bank franchise tax.

9 Was read the second time.

10 The question being "Shall SB 52 pass?"

11 And the roll being called:

12 Yeas 59, Nays 0, Excused 11, Absent 0

13 Yeas:

14 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Craig; Cronin; Deutsch;
15 Dryden; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison; Haugaard;
16 Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer;
17 Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Novstrup (Al);
18 Otten (Herman); Partridge; Peterson (Kent); Ring; Romkema; Rounds; Rozum; Schaefer;
19 Schoenfish; Schrempf; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner;
20 Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

21 Excused:

22 Conzet; DiSanto; Duvall; Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell;
23 Schoenbeck; Sly

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 Speaker declared the bill passed and the title was agreed to.

26 SB 8: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
27 background investigations for prospective employees of the postsecondary technical institutes
28 and to transfer certain funds regarding postsecondary technical credentialing.

29 Was read the second time.

1 The question being "Shall SB 8 pass as amended?"

2 And the roll being called:

3 Yeas 49, Nays 9, Excused 12, Absent 0

4 Yeas:

5 Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Craig; Deutsch; Feickert; Gibson;
6 Greenfield (Lana); Haggard (Don); Harrison; Haugaard; Hawks; Heinemann (Leslie); Holmes;
7 Hunt; Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson;
8 Novstrup (Al); Otten (Herman); Peterson (Kent); Ring; Rounds; Rozum; Schaefer; Schoenfish;
9 Schrempp; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Westra; Wiik; Willadsen;
10 Wollmann; Zikmund; Speaker Wink

11 Nays:

12 Anderson; Cronin; Dryden; Gosch; Hunhoff (Jean); Jensen (Alex); Partridge; Romkema;
13 Verchio

14 Excused:

15 Conzet; DiSanto; Duvall; Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell;
16 Schoenbeck; Sly; Werner

17 So the bill having received an affirmative vote of a two-thirds majority of the members-
18 elect, the Speaker declared the bill passed and the title was agreed to.

19 SB 2: FOR AN ACT ENTITLED, An Act to revise the distribution of the revenue from
20 the alcoholic beverage fund.

21 Was read the second time.

22 Rep. Gosch moved that SB 2 be deferred to Monday, February 29, the 29th legislative day.

23 Which motion prevailed.

24 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
25 chemical testing of commercial drivers.

26 Was read the second time.

27 Rep. Gosch moved that SB 34 be deferred to Monday, February 29, the 29th legislative day.

28 Which motion prevailed.

1 SB 120: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain
2 family physicians, dentists, physician assistants, and nurse practitioners who have complied with
3 the requirements of the recruitment assistance program and to declare an emergency.

4 Was read the second time.

5 The question being "Shall SB 120 pass as amended?"

6 And the roll being called:

7 Yeas 59, Nays 0, Excused 11, Absent 0

8 Yeas:

9 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Craig; Cronin; Deutsch;
10 Dryden; Duvall; Feickert; Gosch; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;
11 Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer;
12 Kirschman; Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Novstrup (Al);
13 Otten (Herman); Partridge; Peterson (Kent); Ring; Romkema; Rounds; Rozum; Schaefer;
14 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Westra;
15 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

16 Excused:

17 Conzet; DiSanto; Gibson; Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell;
18 Schoenbeck; Werner

19 So the bill having received an affirmative vote of a two-thirds majority of the members-
20 elect, the Speaker declared the bill passed and the title was agreed to.

21 SB 63: FOR AN ACT ENTITLED, An Act to require the development of school safety
22 plans and to require the conduct of school safety drills in accredited schools.

23 Was read the second time.

24 Rep. Gosch moved that SB 63 be deferred to Monday, February 29, the 29th legislative day.

25 Which motion prevailed.

26 SB 114: FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs
27 related to the commissioning of the USS South Dakota and to declare an emergency.

28 Was read the second time.

29 The question being "Shall SB 114 pass?"

30 And the roll being called:

1 Yeas 60, Nays 1, Excused 9, Absent 0

2 Yeas:

3 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Craig; Cronin; Deutsch;
4 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don); Harrison;
5 Haugaard; Hawks; Heinemann (Leslie); Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns;
6 Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Novstrup (Al);
7 Otten (Herman); Partridge; Peterson (Kent); Ring; Romkema; Rounds; Rozum; Schaefer;
8 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio;
9 Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

10 Nays:

11 May

12 Excused:

13 Conzet; DiSanto; Hawley; Kaiser; Munsterman; Qualm; Rasmussen; Russell; Schoenbeck

14 So the bill having received an affirmative vote of a two-thirds majority of the members-
15 elect, the Speaker declared the bill passed and the title was agreed to.

16 Rep. Gosch moved that the balance of the calendar including SB 53, 59, 75, 132, 23, 58,
17 16, 73, 81, 55, 79, 97, and 42 be deferred to Monday, February 29, the 29th legislative day.

18 Which motion prevailed.

19 There being no objection, the House reverted to Order of Business No. 5.

20 **REPORTS OF STANDING COMMITTEES**

21 MR. SPEAKER:

22 The Committee on Legislative Procedure respectfully reports that HB 1090 and 1207 were
23 delivered to his Excellency, the Governor, for his approval at 10:40 a.m., February 24, 2016.

24 Also MR. SPEAKER:

25 The Committee on Legislative Procedure respectfully reports that HB 1102, 1108, and
26 1117 were delivered to his Excellency, the Governor, for his approval at 9:50 a.m., February 25,
27 2016.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1004, 1069, and 1071 and finds the same correctly
4 enrolled.

5 Respectfully submitted,
6 Dean Wink, Chair

7 **MESSAGES FROM THE SENATE**

8 MR. SPEAKER:

9 I have the honor to inform your honorable body that HB 1107 and HCR 1004 were lost for
10 failure to be placed on the Senate calendar.

11 Also MR. SPEAKER:

12 I have the honor to inform your honorable body that the Senate has appointed
13 Sens. Tieszen, Rusch, and Heinert as a committee of three on the part of the Senate to meet with
14 a like committee on the part of the House to adjust the differences between the two houses on
15 HB 1183.

16 Respectfully,
17 Kay Johnson, Secretary

18 **SIGNING OF BILLS**

19 The Speaker publicly read the title to

20 HB 1004: FOR AN ACT ENTITLED, An Act to make form and style revisions to certain
21 statutes regarding counties.

22 HB 1069: FOR AN ACT ENTITLED, An Act to revise certain provisions related to genetic
23 counselor licensure.

24 HB 1071: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
25 annual conference between county commissioners and the director of equalization.

26 SB 38: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning bail
27 bondspersons.

28 And signed the same in the presence of the House.

3 Arlene Kvislen, Chief Clerk